# DEPARTMENT OF THE ARMY HEADQUARTERS, UNITED STATES ARMY MATERIEL COMMAND 5001 EISENHOWER AVENUE, ALEXANDRIA, VA 22333-0001

AMC REGULATION No. 690-2 (Chapter 960-1) 28 September 1992

#### Civilian Personnel

### AMC CIVILIAN CAREER PROGRAM FOR ATTORNEY AND PATENT ADVISOR PERSONNEL

Local supplementation of this regulation is prohibited unless prior approval is obtained from the proponent.

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<sup>\*</sup>This regulation supersedes AMC-R 690-2, 15 February 1990.

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#### Section I. INTRODUCTION

- 1-1. <u>Purpose</u>. a. This regulation governs the U.S. Army Materiel Command (AMC) Civilian Program for Attorneys and Patent Advisors.
- b. Use this regulation with AR 690-950-1, which establishes policies of Department of the Army (DA) career program, and AR 690300, chapter 302, subchapter 7, Employment of Civilian Attorneys.
- c. This regulation contains special provisions for program coverage and for the recruitment, registration, career appraisal, referral, training, and development of attorneys and patent advisors.
- 1-2. Applicability. Policies and procedures in this regulation apply to all AMC attorneys (905), patent attorneys (1222), and patent advisors (1221).
- 1-3. <u>References</u>. AR 690-300, chapter 302, subchapter 7; AR 690950-1; AR 27-26; and Memorandum from DA General Counsel, dtd 29 Oct 90, Subject: Attorney Placement Assistance Program.
- 1-4. Responsibilities. The Command Counsel, Headquarters (HQ) AMC is the qualifying authority for the AMC Attorney and Patent Advisor Career Program. As such, the Command Counsel is responsible for the direction, coordination, and continuous evaluation of the program, to include Equal Employment Opportunity (EEO) and Affirmative Action (AA) results.
- 1-5. <u>Definitions</u>. a. Command Counsel. The Command Counsel, HQ AMC.
- b. Chief Counsel. The head of the legal office of a major subordinate command (MSC), or of any other installation or activity. (Example: grades SES, GM-15, GM-14.)
- c. Entry level. Attorneys and Patent Advisors who assist other Attorneys and Patent Advisors at the intermediate and senior levels. Their work will be reviewed by a higher level attorney as appropriate. The problems assigned to entry level attorneys will be those involving the less complex issues, increasing in complexity as they progress. Generally they should be on a standard position description that allows for a wide variety of duties. The grade will be based on such factors as experience and will be approved by the Chief Counsel and the Command Counsel. (Examples: Grades GS-9, GS-11.)

- d. Intermediate level. Attorneys and Patent Advisor position descriptions will indicate an area or areas of specialization. They may be assisted from time to time by attorneys or patent advisors at the entry level, and as required, perform in a supervisory capacity. (Example: grade 12 and grade 13; grade 13 is also the journeymen grade for attorneys in the AMC system.)
- e. Senior level. Their position description will normally indicate a broad area or areas of specialization, and may also call for supervision of attorneys or patent advisors at the intermediate and entry levels. They will be qualified by experience and training to handle any type of legal problem in their areas of specialization that may be presented to them. (Example: grades GS/M-14/15 and some GS-13s.)
  - f. Executive level. Attorneys in the Senior Executive Service.
- 1-6. <u>Standards of Conduct</u>. AMC attorneys must comply with the same standards of conduct required of all Army personnel, as prescribed in AR 600-50 and other applicable laws and regulations. Also, AMC attorneys must comply with all standards of professional conduct required by Federal and State statutes and their respective licensing organizations or activities including the Department of the Army Regulation 27-26, Subject: Rules of Professional Conduct for Lawyers, dated 1 May 1992.

#### Section II. CAREER DEVELOPMENT AND TRAINING

2-1. <u>Professional development concepts</u>. The need for continuous professional growth exists at all career levels. The requirement for training relates to career development and the effective performance of the full range of activities that increase the individual's competence and develops the individual's potential in this career field. This includes all types of formal and informal training, on and off-duty courses and developmental activities, whether initiated by the individual or by the government.

While it is the individual's responsibility to ensure that they receive adequate training, both the supervisor and employee must work together on a yearly basis to establish an Individual Development Program (IDP) outlining prospective training, and stating whether the prior years IDP was completed. This IDP is an entry on each employee's performance plan/performance appraisal. It is each supervisors' responsibility to ensure that they receive

managerial training for themselves and aspiring candidates that they supervise. Further, supervisors should encourage training of their subordinates by bringing training opportunities to the attention of employees.

- 2-2. Overall training plan. a. The overall training plan for the Civilian Attorney and Patent Advisor Career Field is directed toward developing individuals to meet the immediate and long-range staffing needs of AMC. This includes training and education in all aspects of government procurement, adversary proceedings, administrative law, military law, labor law, and intellectual property, so as to broaden their knowledge and thus qualify them for increased responsibilities. In addition, supervisory training should be considered. It may be necessary to modify the overall plan or change the sequence of subject matter coverage when the requirements of current job assignments and career goals of individual employees dictate. Some modifications and additions to the plan will also be made from time to time as future developments occur, particularly when new courses, seminars, and other developmental opportunities become available.
- b. A recommended training plan is shown in appendix B. Adherence to this type of plan at all levels will help develop the abilities of attorneys and patent advisors to their highest potential, assisting the individual to advance in the legal profession, and assuring the most competent staffing of legal positions in AMC.
- c. Generally, at all levels, activities such as participating in bar association programs and committees, conducting preventive law

programs, presentations, writing and submitting legal articles, and teaching various courses at colleges and universities are encouraged and should be undertaken on the individual's own initiative.

- d. Whenever possible and appropriate, attorneys who demonstrate potential should be given supervisory and leadership type courses. Development of attorneys in these courses is essential to their professional development.
- e. Each attorney and patent advisor should receive ethics training at least every 2 years and preferably every year. The specific details of this type training will be developed and implemented by the Chief of each legal office.
- 2-3. <u>Entry level</u>. Entry level attorneys will be given the training as shown in appendix B as deemed appropriate and at appropriate times, preferably during the first 18 months after initial appointment, as determined by the individual's supervisor.
- 2.4. <u>Intermediate level</u>. While not mandatory, it is strongly recommended that intermediate level attorneys be given training as shown in appendix B, at such appropriate time as determined by their supervisors.
- 2-5. <u>Senior level</u>. Senior Attorneys will, as deemed appropriate by the Command Counsel or Chief Counsel, participate in scheduled law and allied symposia and seminars presented by bar associations, law schools, etc.
- 2-6. Executive level. a. Chief Counsels and attorneys in grade M/GS-15 and above will, as appropriate, participate in symposia, management type courses, Command and Staff type courses (e.g., Brookings Institute, Office of Personnel Management (OPM) and Federal Executive Institute) and other top level leadership training opportunities in the legal field and other fields related to their areas of responsibility.
- b. Participation in other mission-related community organizations (e.g., Defense Preparedness Association, Federal Executive Boards, and Government Contract Associations) as well as Masters Degree Programs is also encouraged.

- 2-7. <u>Job rotation/cross training</u>. a. In consonance with the needs of the Office of Command Counsel, HQ AMC, and the legal offices at MSCs and their installations and activities, attorneys within the areas of their assigned legal office may be rotated for familiarization and training purposes for a temporary period of time.
- b. Attorneys and their supervisors should set realistic goals that will lead to planned training and developmental activities which relate to the attorney's career goals and can be reasonably accomplished by use of the rotational development assignment opportunity. Some areas to be discussed by attorney and supervisor are--
- (1) Status of current job performance and counseling as appropriate.
  - (2) Self-development programs to improve professional skills.
  - (3) Planned on-the-job training.
- (4) Attendance at government and non-government sponsored formal training courses.
- (5) Developmental assignments, to include short details or task force assignments, special preventive law initiatives, and programs.
  - (6) Participation in professional associations.
- (7) Other activities related to attainment of the employee's career goals.
- c. Supervisors will make periodic reviews of the employee's progress in accomplishing planned training and rotational development assignments and provide additional counseling as appropriate.
- d. Whenever possible, the end of a rotational assignment shall be projected and plans shall be made for either permanent assignment in the new area or a return to the former area. These aspects of the rotational assignment must be discussed with the attorney.
- 2-8. <u>Self-development</u>. a. Self-development activities are an integral part of the Civilian Attorney and Patent Advisor Career Program. In addition to courses sponsored by the DA, special training at non-government facilities and by professional associations and universities is encouraged. Registrants are encouraged to undertake individual development projects on their own initiative to enhance their overall knowledge and understanding of their respective legal disciplines

and to increase competence in their particular areas of interest. It is very important that commanders and all supervisory personnel urge each attorney and patent advisor to develop to the optimum level of his or her potential. Each attorney's and patent advisor's career is limited only to the extent of his or her ability and willingness to accept challenge. Maximum effort should be exerted to ensure that each employee is provided with planned opportunities for development and progression within AMC. An excellent vehicle for planning these opportunities is the annual appraisal process.

- b. Attorneys and patent advisors are encouraged to initiate attendance in courses and programs related to professional skills and knowledge. Since these activities are considered important to the individual's self-development, they normally will be accomplished either on duty time or by the granting of administrative leave.
- 2-9. <u>Budgeting for training</u>. The Command Counsel and Chief Counsels, as appropriate, will use their best efforts to obtain the requisite training funds for their staffs. Training by using videoconference facilities should also be strongly considered. As a goal, each attorney and patent advisor should attend one course per year.

#### Section III. APPRAISAL AND COUNSELING

#### 3-1. <u>Introduction</u>. The Performance Appraisal Process--

- a. Is the periodic evaluation of an employee's performance of duties and responsibilities as measured by the performance standards for the position.
- b. May be used as an evaluation criteria for screening panels and selecting officials.
- c. Is a reflection of an employee's accomplishment of assigned duties and responsibilities.

#### 3-2. <u>Basic Provisions for assessing career potential</u>.

- a. Supervisors play a major role in the appraisal system and in the counseling of careerists.
- b. The appraisal and counseling efforts of supervisors are centered around the individual's performance standards and may address--
  - (1) Experience.
  - (2) Actual performance.
  - (3) Knowledge.
  - (4) Professional skills.
  - (5) Professional development.
- 3-3. Awards and recognition. The timely and appropriate recognition of individual or group professional achievement is essential to successful career development programs. At appropriate times in the appraisal and counseling process, supervisors should recognize employee achievements for which honorary or monetary awards are warranted. Requests for such recognition will be submitted in accordance with incentive awards program policies at each installation/activity.

#### Section IV. REGISTRATION AND REFERRAL

- 4-1. Objectives. The objectives of the employee referral system are-
- a. To provide management with a list of available qualified persons to fill a vacant position.
- b. To ensure that qualified candidates are considered for vacancies.
- c. To provide opportunities for employees to advance within their field.
- 4-2. <u>Registration</u>. a. Central inventories. A central qualification inventory will be maintained in the Command Counsel's Office, HQ AMC. The inventory will include such data as qualifications, awards, appraisals, and availability of employees.
- b. Employee registration. Registration for all Attorneys and Patent Advisor employees in the 905, 1221, and 1222 series is a prerequisite to referral eligibility. Registration is accomplished through submission of the AMC Form 2693 to the Executive Officer, Office of Command Counsel, HQ AMC (see appendix A). Individual employees will initiate the registration form. Employees will also keep their career records current in terms of availability, address, awards, education, training, and other changes. Changes to AMC Form 2693 will be accomplished by submitting a completely new AMC Form 2693 within 15 days after the employee's current appraisal. KEEPING THIS FORM CURRENT IS ESSENTIAL.
- c. Supervisors are responsible for assuring that their subordinates are aware of the registration process and are provided the necessary forms to become registered in the central inventory file. Changes must be reported promptly. Each attorney and patent advisor is ultimately responsible for ensuring that he/she is registered.
- 4-3. <u>Referral and consideration</u>. a. Referral and consideration of qualified candidates from the central qualification inventory file is mandatory prior to filling each vacant position.
- b. In requesting referral lists of candidates for attorney and patent advisor positions, installations and activities will submit a request to HQ USAMC, 5001 Eisenhower Avenue, ATTN: AMCCC, Alexandria, Virginia 22333-0001. Requests will be in memorandum format with a copy of the job description attached.

- c. The Command Counsel, HQ AMC will issue a referral list to the requesting office provided a sufficient number of candidates is available through the central files. It is recognized, however, that at times there is an insufficient number of highly qualified candidates from within the career program system, or a position is deemed so important to the success of a legal offices' mission, that the selection official would like to expand the area of consideration to seek applicants from outside of AMC. Only the AMC Command Counsel as the Career Program Manager has the authority to make decisions on expanding recruitment beyond AMC.
- d. When a candidate is selected from a referral list by the selecting official, the Command Counsel will be informed in writing along with the rationale for selection which will be substantive in nature and consistent with the evaluation criteria for the position. The Command Counsel will in turn notify the selecting agency of approval or disapproval to hire/promote. When outside hire authority is approved and a candidate selected, the information in AR 690-300, paragraph 7-5, will be submitted to the Command Counsel, along with the reason for selection of the individual. IN ALL CASES THE SELECTING SUPERVISOR WILL INFORM NONSELECTEES THAT THEY WERE NOT SELECTED. AND WHO WAS SELECTED.
- 4-4. Ad hoc screening committee. Upon receipt of a request for a referral list, the Office of Command Counsel will use the central qualification inventory file to compile a list of available qualified candidates. If the list consists of more than 10 individuals, the Command Counsel will consult with the Chief Counsel of the installation to determine whether an ad hoc screening committee should be convened. Upon agreement that the AMC committee process should be used, the recorder of the committee (Executive Officer, AMC Command Counsel) will call the Chief Counsel's office for screening/selection criteria for use by the committee. When the ad hoc committee completes its work, an AMC referral list will be prepared and forwarded to the field legal office. That Chief Counsel may employ a similar process to further refine the referral list.
- 4-5. Reporting personnel actions. All SF 50s (Notification of Personnel Action) which record personnel actions will be sent to HQ AMC, ATTN: AMCCC-A, for each personnel action involving an attorney or patent advisor, to include separation SF 50s. This is needed in order to maintain an up-to-date file on each attorney in the headquarters as required by AR 690-300. A copy of the yearly career appraisal on each attorney will be forwarded to HQ AMC, ATTN; AMCCC-A. The last three General Performance Appraisal System (GPAS)/Merit Pay adjectival ratings will be entered in the rating block (block 8) on the AMC Form 2693.

- 4-6. <u>Availability statement</u>. a. Item 9, AMC Form 2693 is used by careerists to indicate availability for referral. Availability statements should be realistically completed so they can be relied upon in the selection process. If careerists want to be considered for positions in their present location, they must indicate same on the form.
- b. Consideration during the referral process is given to only those who have expressed interest in the geographic location of the vacant position. Experience has shown that some employees appearing on referral lists repeatedly indicate no interest in relocation from their present area even though their AMC Form 2693 indicates otherwise. Employees are hereby advised that availability statements are processed as submitted.
- 4-7. Approval authority. AR 690-300, chapter 302, subchapter 7, delegates to the Command Counsel, AMC, without power of redelegation, authority to approve qualifications, appointments, transfers, reassignments, or promotions of civilian attorneys, patent advisors, and law clerk trainees in grades GM/GS-15 and below. In essence, any personnel action taken with respect to or affecting civilian attorneys and/or law clerk trainees must be approved by the Command Counsel, AMC. Exceptions are name change, request for classification review, change in position sensitivity, leave without pay, return to duty, change in work schedule hours, long-term training, cash awards and merit pay awards.
- 4-8. <u>Interviews</u>. Upon the compilation of the final referral list at the field legal office, the selecting office or designee will interview the remaining candidates if the position is supervisory or at the GM/GS 14 or 15 grades. No interviews are required if the list is comprised only of candidates from within the selecting MSC, or if all candidates on the final referral list are otherwise known by the selecting official, or if the position involves an accretion of duties. The interviews can be personal, telephonic, or a combination of the two, at the discretion of the selecting official.

#### Section V. DISCIPLINE/ADVERSE ACTIONS

- 5-1. Notification. Before any adverse or disciplinary action is taken against an attorney or patent advisor the Command Counsel, AMC will--
- a. Be notified in writing of any personnel action involving involuntary reassignment, suspension, separation, or reduction in grade, or the issuance of a written reprimand.
- b. Ensure that no adverse personnel or disciplinary action is taken against an attorney that is based only on the substance of complete and accurate legal advice given by the attorney.
- c. Be notified of any type investigation pending or to be instituted involving an attorney or patent advisor that impacts his or her professional standing.
- 5-2. Assistance to attorneys affected by Personnel actions. It is the Command Counsel's policy that when a current civilian attorney or patent advisor is to be separated or reduced in grade for reasons unrelated to personnel conduct, performance, or qualifications, the Command Counsel, AMC will make efforts to assist the affected attorney in obtaining another comparable position in AMC. If placement in AMC is not possible the person will be enrolled in the Department of the Army Attorney Placement Assistance Program as outlined in the General Counsel memorandum dated 29 October 1990, Subject: Attorney Placement Assistance Program.

#### Section VI. CONFLICT OF INTEREST

When a field legal office feels there is a conflict of interest in its representation of officials within its Command, it will raise the issue to the Command Counsel. The Command Counsel will make a determination on the conflict matter and, if a conflict exists, alternative representation will be provided within AMC or from HQDA.

The proponent of this regulation is the United States Army Materiel Command. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to the Commander, HQ AMC, ATTN: AMCCC, 5001 Eisenhower Avenue, Alexandria, VA 22333-0001.

FOR THE COMMANDER:

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ATTORNEY QUALIFICATION RECORD (AMC-R 690-2)									
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DATE SIGNATURE OF EMPLOYEE									

AMC FORM 2693 15 SEP 92

## INSTRUCTIONS FOR COMPLETING AMC FORM 2693, ATTORNEY QUALIFICATION RECORD (Only one continuation page can be used)

- ITEM 1: REGISTRATION: Place an "X" in the appropriate box. (If this is a change only, the whole form must be completed to include the change.)
- ITEM 2: NAME: Enter last name, first name, middle initial.
- ITEM 3: SOCIAL SECURITY NUMBER: Enter 9 digits for social security number.
- ITEM 4: PROMOTION DATE CURRENT GRADE: Using exactly 4 digits, enter the month and year in which you first entered the grade in which currently serving. If you held a higher grade previously, so state on a continuation sheet use bond paper.
- ITEM 5: EXPERIENCE: Current and previous positions must be recorded in this section:
- a. FROM: Using 4 digits, enter the month and year of appointment to current position. Example: "0359" for March 1959.
- b. TO: Using 4 digits, enter the month and year in which this appointment terminated, in the case of the first job listed, enter the abbreviation "PRES."
- c. OCCUPATIONAL SERIES: Enter the appropriate occupational series using  $4\ \text{digits}$ . Example: the 905 series will be reported as "0905."
- d. GRADE: Using 3 characters combining alpha and numeric, record your grade as follows: "GS-13" is "G13."
  - e. POSITION TITLE: Enter appropriate title, i.e., Attorney Advisor, Patent Attorney, etc.
  - f. EMPLOYING OFFICE AND LOCATION: Self explanatory.
- g. MAJOR DUTY ASSIGNMENTS: Enter a complete description covering the most significant aspects of duties and responsibilities. IT IS IMPERATIVE YOU FILL THIS OUT COMPLETELY AS THIS PORTION DESCRIBES YOUR STRENGTHS TO A SELECTING OFFICIAL. Combine current and previous duties. If more room is needed, continue on bond paper.
- ITEM 6: EDUCATION: Record not more than 3 line entries to reflect the dates of attendance, degrees received the major and minor subject studies, and the name and location of the college or university attended.
- ITEM 7: TRAINING AND SELF-DEVELOPMENT: Self explanatory. If more room is needed, continue on bond paper.
- ITEM 8: AWARDS AND RECOGNITION/GPAS OR MERIT PAY RATINGS: Enter information on performance, special act or service, and other significant awards and/or pertinent official recognition. For GPAS or Merit Pay ratings, enter the year and "E" for exceptional; "HS" for highly successful; "FS" for fully successful; or "M" for marginal. If more room is needed, continue on bond paper. IT IS VERY IMPORTANT TO KEEP THIS CURRENT.
- ITEM 9: AVAILABILITY: Availability shown by the employee should reflect true willingness to accept an assignment in the geographic areas indicated, including accepting permanent change of station, if required. Employees will be considered only for the positions occurring in those areas for which they have indicated availability. Indicate a (1) for promotion; (2) for lateral; or (3) for both.

PRIVACY ACT STATEMENT: Title 5 of the U.S. Code, sections 1302, 3301, 3304, is the authority for gathering employment data. The principal purpose of this form is to collect information needed to determine qualifications for position change (reassignment, promotion, etc.). It is in your best interest to furnish all necessary information to receive appropriate credit, although it is not mandatory to do so. Disclosure of your SSN is mandatory to obtain the services, benefits, or processes that you are seeking and is authorized by E.O. 9397. The SSN is used as an identifier throughout the period your application is valid. The information gathered through the use of the SSN will be used only when necessary in personnel administration processes carried out in accordance with established regulations and published notices of systems of records.

#### Appendix B: Attorney Career Pattern Schooling and Training

Entry Level Intermediate Level

Executive Level Senior Level

1. Attorney 1. Attorney

Participation in scheduled Attend executive

symposia

and high level development courses and

Contract Attorney (2 wks) Government Contract Law executive

development participate in high

TJAGS \* Symposium (1 wk) TJAGS

conferences, as appropriate. + level conferences and Fiscal Law (1 wk) TJAGS Admin Law for Military

symposia, as required.

Installations (1 wk) Federal Litigation (1 wk) Special

law courses at univ.,

TJAGS + TJAGS + etc., as

Special law courses at appropriate.

Fiscal Law (1 wk) TJAGS Procurement Fraud (1 wk)

univ., etc., as

(as appropriate) + TJAGS Seminars

conducted by such appropriate.

Federal Labor Relations AMC CLE Program (3 days) +

organizations as: Federal

(1 wk) TJAGS + Environmental Law Courses
Assoc., American Seminars conducted by Bar

Assoc., American Seminars conducted by Environmental Law Course EEO: Claims and Litigation + Management

Assoc., and organizations as:

(Maxwell AFB, Alabama) + MSPB Procedures and Practicing

Law Institute. Government Patent Lawyers

AMC CLE Program (3 days) + precedents

Assoc., Federal Bar

Symposia and Seminars Symposia and Seminars + Management

and Executive Assoc., American Manage-(as appropriate) + Basic Supervisory

+ Basic Supervisory/ type

courses and leadership/ ment Assoc., and
Legal and General Computer Management Courses
supervisory training. Practicing Law Institute.

Training (as appropriate) + FLRA courses

Program

Managers Attorney Brookings Institution

2. Patent Attorney Patent Attorney course.

course

Basic Patent Drafting	+	Advanced Patent		AMC CLE
Program	AMC	CLE Program +		
Patent Prosecution		Prosecution (PRG OR PLI)	+	
(PRG OR PLI)	*	Patent Office Academy	+	Symposia
and Seminars +				
AMC CLE Program (3 days)	+	Contract Attorney Course		
Symposia and Seminars		Update (PRG or similar)		
(as appropriate)	+	Symposia and Seminars	+	
Basic Patent and		AMC CLE Program (3 days)		
Technical Data (GW Univ		Seminars Conducted By:		
or similar course)	*	Government Patent Lawyers		
KEYS				
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+ Strongly Recommended.	С	1		

 $\xspace$  x Encouraged or expected.